



COUNCIL MINUTES

December 12, 2016

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on December 12, 2016 at 5:45 p.m.

COUNCIL PRESENT

John Giles
Alex Finter
Dennis Kavanaugh
David Luna
Dave Richins
Kevin Thompson

COUNCIL ABSENT

Christopher Glover

OFFICERS PRESENT

Christopher Brady
Jim Smith
Dee Ann Mickelsen

Mayor Giles excused Councilmember Glover from the entire meeting.

Mayor's Welcome.

Mayor Giles asked everyone to stand and observe a moment of silence.

Pledge of Allegiance was led by Councilmember Thompson.

Awards, Recognitions and Announcements.

There were no awards, recognitions or announcements.

1. Take action on all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Luna, that the consent agenda items be approved.

Mayor Giles declared the motion carried unanimously by those present.

*2. Approval of minutes from previous meetings as written.

Minutes from the October 3, December 1 and 5, 2016 Council meetings.

3. Take action on the following liquor license applications:

*3-a. Ultimate Imaginations

This is a one-day charitable event to be held on Friday, February 3, 2017 from 6:00 p.m. to 10:00 p.m. on Main Street from Center Street to Robson and Macdonald from 1st Street to Pepper Place. **(District 4)**

*3-b. Ultimate Imaginations

This is a one-day charitable event to be held on Friday, January 6, 2017 from 6:00 p.m. to 10:00 p.m. on Main Street from Center Street to Robson and Macdonald from 1st Street to Pepper Place. **(District 4)**

*3-c. Fountain of the Sun Community Association

This is a one-day civic event to be held on Wednesday, January 25, 2017 from 6:00 p.m. to 9:00 p.m., at 560 South 80th Street. **(District 5)**

*3-d. Fountain of the Sun Community Association

This is a one-day civic event to be held on Saturday, February 11, 2017 from 7:00 p.m. to 10:00 p.m., at 560 South 80th Street. **(District 5)**

*3-e. Fountain of the Sun Community Association

This is a one-day civic event to be held on Wednesday, February 22, 2017 from 6:00 p.m. to 9:00 p.m., at 560 South 80th Street. **(District 5)**

*3-f. Fountain of the Sun Community Association

This is a one-day civic event to be held on Wednesday, March 1, 2017 from 6:00 p.m. to 9:00 p.m., at 560 South 80th Street. **(District 5)**

*3-g. Fountain of the Sun Community Association

This is a one-day civic event to be held on Wednesday, March 22, 2017 from 6:00 p.m. to 9:00 p.m., at 560 South 80th Street. **(District 5)**

*3-h. Venture Out Social Club Inc.

This is a one-day fraternal event to be held on Friday, December 23, 2016 from 3:00 p.m. to 5:30 p.m., at 5001 East Main Street. **(District 2)**

*3-i. Venture Out Social Club Inc.

This is a one-day fraternal event to be held on Saturday, March 11, 2017 from 2:00 p.m. to 4:00 p.m., at 5001 East Main Street. **(District 2)**

*3-j. Venture Out Social Club Inc.

This is a one-day fraternal event to be held on Friday, March 24, 2017 from 3:00 p.m. to 5:30 p.m., at 5001 East Main Street. **(District 2)**

*3-k. Nile Theater

A music venue with a bar is requesting a new Series 7 Beer and Wine Bar License for The Mantooth Group LLC, 105 West Main Street – Michelle Donovan, agent. The existing license held by The Mantooth Group LLC will change to an inactive status with the State and/or the ownership will be transferred. **(District 4)**

*3-l. Winco Foods #110

A grocery store with a Series 9 Liquor Store is requesting to add sampling privileges for Winco Foods LLC, 1235 South Power Road – Nicholas Carl Guttilla, agent. **(District 6)**

4. Take action on the following contracts:

*4-a. Two-Year Renewal of the Term Contract for Procurement Card Program Services for Citywide Departments as requested by the Business Services Department. **(Citywide)**

This program provides procurement cards and related services that provide efficient and cost effective tools for purchases and payments. The program provides spend controls, reporting tools, online review and approval of transactions, and rebate opportunities.

The City of Mesa has had a Procurement Card Program since 1998. The City has been using this Chandler cooperative contract for our procurement card program since January 2010. In FY 15/16, Mesa's program rebates were \$82,015 on \$6,130,934 in purchases.

The Business Services Department and Purchasing recommend authorizing a two-year renewal utilizing the City of Chandler cooperative contract with Bank of America.

*4-b. Three-Year Term Contract for Replacement Automated Vehicle Location (AVL) Equipment and Related Services for Various City Departments. **(Citywide)**

An AVL system allows for City vehicles to be tracked utilizing a GPS system, which helps manage City vehicles, including location, speed, idle time, and other data. It allows the City to pursue process improvements with both operational and cost efficiencies, as well as contribute to the safety of its employees. The new AVL system will replace the existing, outdated AVL equipment, of which more than half of the current AVL units will cease to operate after December 31, 2016 due to 2G network connectivity being phased out. The balance of the units will expire without available renewals.

The evaluation committee recommends awarding the contract to the highest scored proposal from Marshall and Associates, dba MarshallGIS, at \$310,841.10, plus project contingency of \$30,376.05, for a combined total award of \$341,217.15.

*4-c. Purchase of New Accident Diagramming Software for the Police Department (Single Response). **(Citywide)**

This purchase will provide user friendly, intuitive traffic collision software that has the flexibility to meet the needs of Police Patrol Officers completing basic diagrams, as well as the needs of the Traffic Unit detectives for more involved accident reconstruction scenes. The Arizona Department of Transportation requires Arizona police agencies to submit a traffic collision diagram with each Arizona Traffic Crash Report. This purchase will replace Microsoft Visio, the current software used by the Traffic Unit for accident reconstruction.

The Police Department and Purchasing recommend awarding the contract to the single and qualified proposal, FARO Technologies, Inc, at \$88,440.05, based on estimated requirements. The initial purchase is funded by Asset Forfeiture (RICO) Funds.

- *4-d. Purchase of Upgraded Camera, Audio and Lighting Equipment for the Police Department's Central Community Room. **(Citywide)**

The Police Department's Central Community Room is being upgraded and modified to further enhance its use for training, community meetings, and press conferences. Modifications will include the purchase and installation of presentation equipment to include cameras, monitors, audio systems and lighting equipment.

The Police Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Southern California Sound Image, dba Sound Image, at \$40,805.66; and authorizing use of the Mohave Educational Services cooperative contract with Barbizon Lighting, at \$14,697.95; for the combined total award of \$55,503.61. The purchase is funded by the Capital Improvement Program through Capital – General Fund.

- *4-e. Three-Year Term Contract for Accessible Pedestrian Signal (APS) Push Buttons for the Materials and Supply Warehouse (for the Transportation Department). **(Citywide)**

This contract will provide APS Push Buttons for the visually impaired and those needing assistance at traffic signalized intersections. The APS stations emit a locator tone and provide vibro-tactile feedback and a visual indication.

The Business Services Department, Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, JTB Supply Co., at \$52,800 annually, based on estimated requirements.

- *4-f. Purchase of Four Additional FleetMind Electronic Devices for Refuse Collection Trucks as requested by the Environmental Management and Sustainability Department (Sole Source). **(Citywide)**

The devices provide real-time information to drivers and dispatchers about a truck's load-weight, route status, service completion, vehicular telemetry, driver activities and more, and further manage a wide range of inputs from a vehicle's on-board systems such as cameras, scales, radio frequency identification (RFID) readers, tire pressure and fuel monitoring. The Department will increase their Automatic Side Loader fleet by four and the four FleetMind units are needed for the new vehicles.

The Environmental Management and Sustainability Department and Purchasing recommend awarding the contract to the sole source vendor, FleetMind Solutions, Inc., at \$39,401.80, based on estimated requirements.

- *4-g. Purchase of Two New Supervisory Control and Data Acquisition (SCADA) Servers for the New Signal Butte Water Treatment Plant as requested by the Water Resources Department. **(Citywide)**

The SCADA utilities system is used to monitor and control the four utilities; Water, Wastewater, Gas and Electric. Two new servers are needed for the new Signal Butte Water Treatment Plant at this time in order for timely installation and operation at the new plant.

The Water Resources Department and Purchasing recommend authorizing the purchase using the U.S. Communities/County of Fairfax, Virginia cooperative contract from the lowest quoted vendor, Insight Public Sector, at \$25,108.60.

- *4-h. One-Year Term Contract for Water Testing Supplies for Coliform Bacteria and E. coli for the Water Resources Department (Sole Source). **(Citywide)**

This contract will provide testing supplies for coliform bacteria and E. coli in drinking water samples. IDEXX is the sole provider of Colilert reagents, the only United States Environmental Protection Agency (USEPA) approved product for detection of coliforms and E. coli as required under the City's drinking water permit.

Water Resources and Purchasing recommend awarding a one-year contract to the sole source vendor, IDEXX Distribution Inc., at \$50,000 annually, based on estimated requirements.

- *4-i. One-Year Term Contract for Analytical Equipment Components and Related Supplies for the Water Resources Department (Sole Source). **(Citywide)**

The City currently owns and operates Endress+Hauser analytical equipment at the City's water and wastewater plants. The equipment works together using digital communication technology, Memosens, which is proprietary technology developed and exclusively owned by Endress+Hauser.

The Water Resources Department and Purchasing recommend authorizing the term contract to the sole source vendor, Instrumentation and Controls LLC, at \$50,000, based on estimated requirements.

- *4-j. East Valley Arterial Travel Time Map. **(Citywide)**

This project consists of Intelligent Transportation System improvements and will introduce an expanded congestion monitoring and travel time map/system. This project will implement anonymous re-identification sensors to detect and alert traffic operations staff of unexpected traffic delays caused primarily by crashes, incidents, break downs, road construction activities, special events, and extreme weather events. This automated field detection is intended to improve the ability to manage unexpected traffic events and mitigate their impacts.

Staff recommends awarding the contract for this project to the lowest, responsible bidder, Roadway Electric LLC, in the amount of \$679,565.50, plus an additional \$67,956.55 (10%) change order allowance. This allowance will only be utilized for approved change orders. Funding is available from the Federal Congestion Mitigation and Air Quality Improvement Project Management grants (87.62%) and local funds

provided by the City of Mesa (1.81%), City of Tempe (6.76%), and Town of Gilbert (3.81%). The percentage of the cost share between the agencies is based on the number of sensors in each city, per the originally authorized Intergovernmental Agreement.

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to enter into a Grant Agreement with the Arizona Department of Public Safety to accept \$321,861 in Victims of Crime Act (VOCA) grant funds to be used for salaries and expenses for the Mesa Prosecutors Office Victim Services Unit. **(Citywide)** – Resolution No. 10895
- *5-b. Approving and authorizing the City Manager to enter into a Third Amendment to the Mesa Proving Grounds Pre-Annexation and Development Agreement with DMB Mesa Proving Grounds LLC, to re-allocate \$6.5M of the 2013 Street and Highway Bonds for improvements to Elliot Road. **(District 6)** – Resolution No. 10896
- *5-c. See: **(Items not on the Consent Agenda)**
- *5-d. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with various cities and towns for waste collection and transportation mutual aid. **(Citywide)** – Resolution No. 10897
- *5-e. Approving and authorizing the City Manager to enter into the First Amendment to the Development Agreement and Option Agreement with River View Hotel, LLC, for the development of hospitality and retail improvements adjacent to the Cubs Spring Training facilities by amending the retail reverter date and terminating the Right of First Refusal. **(District 1)** – Resolution No. 10898
- *5-f. Approving and authorizing the City Manager to approve the First Amendment to the Amended and Restated Operations and Maintenance Agreement with Valley Metro Rail, Inc. This amendment updates and creates new exhibits to provide greater clarity for the City's and Valley Metro's operation and maintenance responsibilities and makes other minor modifications to the existing agreement. **(Districts 3 and 4)** – Resolution No. 10899
- *5-g. Approving and authorizing the City Manager to enter into a Real Estate Transfer and Sale Agreement with Salt River Project, which will allow for the sale of portions of City-owned property located in Tract A of Knoell East and Tract B of Carriage Lane II, approximately one half mile west of Dobson Road, adjacent to the north side of the Western Canal, for a wellsite expansion. The City will receive \$36,000 for the transaction. **(District 3)** – Resolution No. 10900
- *5-h. Approving and authorizing the City Manager to enter into a Master Agreement with Cox Communication for Wireless Antenna on Existing Structure in Right-of-Way. **(Citywide)** – Resolution No. 10901

Cox Communications will install, operate, and maintain wireless communication facilities on City-owned streetlights in the City's rights-of-way and public utility easements and will install new street light foundations and street lights before placing antennas. Cox Communications will also provide landscaping, various painting options and/or metal screening to blend with or enhance the aesthetics of each cabinet as directed by the

City. This Agreement has an initial ten-year term with two optional five-year renewal terms. The City anticipates receiving \$20,814 annual revenue.

- *5-i. Approving and authorizing the City Manager to enter into an Aerial Strand-Mounted Equipment Master Agreement (ASME) with Cox Communications on existing structures in the right-of-way. **(Citywide)** – Resolution No. 10902

Cox Communications will own, install, operate and maintain the aerial strand-mounted microcell equipment and related devices to transmit, process and receive voice and data wireless communications between utility poles in the right-of-way. This ASME Agreement has an initial ten-year term with two optional five-year renewal terms. A.R.S. Section 9-506 prohibits the City from charging a fee for Cox's use of the right-of-way for an ASME.

- *5-j. Approving and authorizing the City Manager to enter into Schedule 7 to Customer-Owned Substation Facilities Services Agreement with Salt River Project Agricultural and Power District for the design and construction of a redundant transformer at the City of Mesa's Greenfield Water Reclamation Plant's (GWRP's) Electrical Substation. The total fiscal impact of this agreement is \$2,525,236, which will be shared with the partners of the GWRP as follows: Mesa: \$1,055,548; Gilbert: \$1,005,044; and Queen Creek: \$464,643, subject to potential future reconciliation by the partners upon completion of various expansion projects at the Plant. **(District 6)** – Resolution No. 10903

- *5-k. Approving and authorizing the City Manager to enter into agreements with the United States Department of Energy Western Area Power Administration that will allow the City's electric utility to obtain services necessary for the connection of Mesa's local distribution system to, and the receipt of power and energy through, the electric transmission system, and also provide for the short term transaction of power and energy supplies consistent with actual system demand. These agreements will provide Balancing Authority Services and Resource Management Services to Mesa's electric utility and will include payments of the City's annual share of charges for area-wide reliability coordination. **(Districts 1 and 4)** – Resolution No. 10904

- *5-l. Approving the purchase of, and authorizing the City Manager or designee to enter into a contract for, a year round supply of 15 megawatts of firm electric power and associated energy for the City's electric distribution utility for a period up to 2 years. **(Districts 1 and 4)** – Resolution No. 10905

6. Introduction of the following ordinances and setting January 9, 2017 as the date of the public hearing on these ordinances:

- *6-a. Creating a new Mesa City Code Title 6, Chapter 24 "Escort Services" requiring licensing for the provision of services by an escort, escort assistant or escort bureau, and making corresponding amendments to Mesa City Code Title 6, Chapter 16 "Sexually Oriented Businesses" consistent with the creation of Title 6, Chapter 24. **(Citywide)**
- *6-b. Amending Title 9, Chapter 1 "Right-of-Way Permits" of the Mesa City Code and adding pavement cut restrictions, pavement restoration fees and other regulations concerning construction work in the City right-of-way. **(Citywide)**

This amendment will add pavement cut restrictions and pavement restoration fees for work in the City right-of-way. The pavement restoration fees collected will be used for

street maintenance, rehabilitation, and reconstruction. Adopting the proposed amendments and pavement restoration fee will have an overall revenue increase of approximately \$40,000 per year.

- *6-c. **Z16-054 (District 1)** 2200 block of East University Drive (north side). Located east of Gilbert Road on the north side of University Drive (2.11± acres). Rezoning from RS-6 to RM-2-BIZ; and Site Plan Review. This request will allow for attached single residence development. Doug Sweeney, Brighton Companies, LLC., applicant; David K. Stephens Trust, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 6-0-1)

7. Discuss, receive public comment, and take action on the following ordinances:

- *7-a. **Z16-049 (District 6)** 2400 to 2700 blocks of South Signal Butte Road (west side), 10000 through 10700 blocks of East Guadalupe Road (north side), and 2600 through 2700 blocks of South Crismon Road (east side). Located west of Signal Butte Road, north of Guadalupe Road and east of Crismon Road encompassing the entire Mulberry residential development. Modifying the project narrative associated with the Mulberry PAD (172.5± acres). Rezoning from RSL-2.5-PAD and RM-2-PAD to RSL-4.5-PAD on 43.4± acres in the 10000 through 10300 blocks of East Guadalupe Road and 2600 through 2700 blocks of South Crismon Road, known as Mulberry Parcel 5; and Site Plan Review. This request will allow for single residence development. Paul Dugas, applicant; Desert Vista 100, LLC, owner. – Ordinance No. 5363

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 7-0)

- *7-b. See: **(Items not on the Consent Agenda)**

- *7-c. Amending section 503.1.1 of the 2006 International Fire Code, as adopted in Title 7, Chapter 2, Section 3 of the Mesa City Code. **(Citywide)** – Ordinance No. 5364

The amendment to Section 503.1.1 relates to fire apparatus access roads for buildings and facilities, and provides that the fire code official is authorized to increase the 150-foot dimension requirement when it is determined that other hazard-mitigating factors are present. The amendment also re-organizes the section for clarity.

- *7-d. Amending the Mesa City Code, Title 2, Chapter 25, Sections 1, 2, and 3, entitled “Independent Commission on Compensation for Elected Officials” (Commission), to increase minimum meeting and reporting time requirements and modify data collection requirements, as recommended by the Commission. – Ordinance No. 5365

8. Take action on the following subdivision plat:

- *8-a. “Eastmark Development Unit 6 South Parcel 6-3” **(District 6)** The 10600 through 10800 blocks of East Point Twenty-Two Boulevard (north side). Located south of the southwest corner of Elliot Road and Signal Butte Road. 1 PCD commercial lot (11.38±

acres). DMB Mesa Proving Grounds, LLC, developer. Daniel Hemken, P.E., Hoskin Ryan Consultants, Inc., engineer.

Items not on the Consent Agenda

- 5-c. Approving and authorizing the City Manager to enter into addendums for two Purchase and Sale Agreements and an Amended and Restated Development Agreement with Mesa Housing Associates II, LLC, and MHA III, LLC, for the conveyance of approximately 2 acres of real property at the 50-100 blocks of West 1st Avenue for the development of a 3-story, 24-unit market-rate housing development and a 5-story, 71-unit affordable senior housing development, or alternatively developed as a market rate project. **(District 4)** – Resolution No. 10906

City Attorney Jim Smith explained that the amended and Restated Development Agreement and two Purchase and Sale Agreement addendums are to switch the order of the Low Income Housing Tax Credit (LIHTC) and market-rate projects. He stated that the LIHTC project was to be built first, however, since Mesa Housing Associates II did not receive the 2016 LIHTC award, that agreement would terminate.

In response to a question posed by Councilmember Richins, Mr. Smith clarified that if the developer does not receive a LIHTC award by a certain date, the developer will have the option to purchase the property at the appraised value for development of a market-rate project.

Tim Cowley, a Mesa resident, expressed his support for the project. He stated that he leases and operates businesses within one-mile of the project, and said that he is proud of the projects these developers have completed in the past and encourages more development such as these projects.

Jeff Sherman, a Phoenix resident, commented that he specializes in market-rate multi-family projects as well as low income tax credit housing throughout the Southwest. He stated the opinion that he found similar projects in neighboring communities that were completed and had no impact on the property values in the neighborhoods.

The following citizens spoke in opposition to agenda item 5-c:

- Robert Bodine, a Mesa resident
- Warren Bodine, spoke on behalf of the Action Neighborhood Alliance
- Wallace Haws, a Mesa resident
- Mike Wright, a Mesa resident
- W. Dea Montague, a Mesa resident
- Tyler Montague, a Mesa resident
- Tracy Langston, a Mesa resident
- DJ Stapley, a Mesa resident
- Derek Broseman, a Mesa resident

The speakers offered a series of comments including, but not limited to, the following:

- Mesa is becoming a destination City for LIHTC housing projects.
- Proposed project will not improve property values.
- Promote integrated housing with lower density.

- Other developers have expressed interest through the Request for Proposals (RFP).
- Renegotiate and receive other bids that would benefit the City.
- Bring in a development that would increase employment and the tax base.
- Upgrade commercial businesses by upgrading to market-rate homes.
- Propose higher end market-rate homes.
- The developer should purchase the property based on appraised value.
- Opportunity for market-rate housing exists in West Mesa and on this site.

Mayor Giles stated that the following citizen submitted a speaker card in opposition to the case, but did not wish to address the Council:

- Lance Willis, a Mesa resident

Mr. Huellmantel, an attorney with Huellmantel and Affiliates, remarked that the comments heard tonight have been stated at prior meetings and that he is glad to see residents passionate about their area. He explained that three years ago the Encore project, a LIHTC project, was completed and the units were fully reserved even prior to completion. He stated that the current project is for both LIHTC and market-rate units and is focused on seniors over the age of 55 that appreciate living downtown, and provides residents the opportunity to work close to home.

Mr. Huellmantel displayed pictures of the downtown Encore project, highlighting the outdoor space. He remarked that the development not only focuses on the LIHTC but also on the market-rate units, with similar qualities as the existing Encore project. He added that the 24 market-rate units will encourage other developers to build additional market-rate units to help create an urban downtown atmosphere.

Councilmember Finter explained that there continues to be a growing need for affordable and safe housing for our senior population, and that this project provides an alternative for those seniors that find themselves in unsafe living conditions and with limited incomes. He stated that while he agrees that the City needs more market-rate housing, Encore is an amazing project that came to the City at a time during the recession when development was at an all-time low. He said that for all of these reasons he would be supporting this project.

Councilmember Richins explained that this development was the first privately financed development in downtown Mesa in 20 years. He added that other market-rate projects were submitted, however, those developers requested other concessions that would have exceeded the value of the property. He stated that other projects have been rejected because they did not meet Mesa's standards for low income housing. He said that this developer has set the standard for what a quality housing development looks like and that he would be proud to live there.

Mayor Giles explained that while he agrees that Encore is a great project, he also believes that the Council needs to analyze the process about what to do with the remaining property. He stated that his opposition to the project has always been the lack of due process involved in making this decision; that there is no urgency in building this property over the next year or so; and that the City should advertise and submit another RFP to have a good selection of projects to choose from.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Luna that Resolution No. 10906 be adopted.

Upon tabulation of votes, it showed:

AYES – Finter-Kavanaugh-Luna-Richins-Thompson
NAYS – Giles
ABSENT – Glover

Mayor Giles declared the motion carried by majority vote and Resolution No. 10906 adopted.

- 7-b. **Z16-044 (District 5)** Located east of the 200 to 400 blocks of North Power Road and south of the 6800 to 7000 blocks of East University Drive. Located east of Power Road and south of University Drive (15.8± acres). Rezoning from LC to RSL-2.5-PAD; and Site Plan Review. This request will allow for development of a single-residence subdivision. Mark Pugmire, Highland Communities, LLC, applicant; Highland Communities, LLC, owner. – Ordinance No. 5366

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 7-0)

Planning Director John Wesley reviewed the history of the property and explained that this development is for a single-residence subdivision and that the Planning and Zoning Board has recommended approval with conditions. He added that there has been discussion with the adjoining neighbor regarding access to his property, which will be addressed by the applicant, Mark Pugmire.

Don Nace, a Mesa resident and owner of Precision Management Partners, explained that his business is located to the north of the proposed project. He voiced concern relative to the development concept of a village plan and how access to his property would be configured once the homes are built. He stated that the village concept includes residential with light commercial, however, based on the density of the development, little room would be left for any commercial.

Mark Pugmire, Highland Communities applicant/owner, explained that his company has owned this property for 22 years and have been unsuccessful in developing it as commercial. He stated that Mr. Nace wants to ensure accessibility to his property and will continue to have that through an easement off of University Road, which is the same access as the proposed development.

Mr. Pugmire outlined the access as an island divider that currently exists, in addition to drivable lanes on the east and west side of the divider as well as east and west lane access into the Precision Management parking lot. He said that they also agree to place the emergency access security gate as close to lot #39 as possible.

In response to a question from Mayor Giles, Mr. Wesley responded that there is a stipulation in the zoning case that they will work out the driveway access as part of the final site plan to be submitted prior to the issuance of building permits. He confirmed that what Mr. Pugmire proposed is similar to what is already stipulated and suggested that Mr. Pugmire work with staff on the final site plan to ensure they are incorporated.

Mayor Giles stated that staff will work with the applicant to ensure the access agreement is acceptable in the final site plan and confirmed with Mr. Nace that he was in agreement.

It was moved by Councilmember Luna, seconded by Vice Mayor Kavanaugh that Ordinance No. 5366 be adopted.

Mayor Giles declared the motion carried unanimously by those present and Ordinance No. 5366 adopted.

9. Items from citizens present.

Barbara Alexandra Eads, a Mesa resident, thanked Brighton Companies (item 6-c), for the additional 24" box fast growing trees on plots one through eight. She added that they hope the developer sees it as an asset to their property as well as to the adjacent properties. She stated that the traffic concerns have been addressed, however, they will notify the council if there are any issues.

Ivy Coppo, a Mesa resident, commented that in 2015 she addressed the Council regarding the Ghost rider Subdivision and explained that since then, she has been working with the Department of Real Estate to release the necessary documents. She stated that she wants to have the Ghost rider Subdivision listed on record as a subdivision and requested that the Council work with her and the Department of Real Estate in 2017 and requested that this item be placed on a future Council agenda. She added that she would like a solution so the subdivision can have rights to build and have access to sewer and water.

Yolanda Triana, a Mesa resident, presented a letter (**See Attachment 1**) from the Federal Transit Administration (FTA) Office of Civil Rights. She stated that the letter is regarding an investigation on the City of Mesa and the City of Phoenix. She stated that the discrimination against Mesa Royale residents began once the two cities received money from light rail. She asked that the City come up with a better solution for the residents that are affected.

Mayor Giles stated that flyers related to Mesa Royale Frequently Asked Questions could be found at the back of the room for their convenience.

10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:18 p.m.





JOHN GILES, MAYOR

ATTEST:



DEE ANN MICKELSEN, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 12th day of December, 2016. I further certify that the meeting was duly called and held and that a quorum was present.



DEE ANN MICKELSEN, CITY CLERK

js
(Attachment – 1)

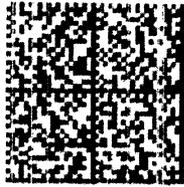


TCR-20/ES4-427

U.S. Department
of Transportation
**Federal Transit
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590-0001

PRESORTED
FIRST CLASS



Hester

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\$00.399
11/21/2016

Mailed From 20590
US POSTAGE

Mr. Silverio Garcia
3816 83rd Avenue, Apt. 1056
Phoenix, AZ 85033



RECEIVED
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U.S. Department
of Transportation
**Federal Transit
Administration**

Headquarters

East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

November 17, 2016

Silverio Garcia
3816 N. 83rd Avenue, Apt. 1056
Phoenix, AZ 85033

Re: FTA No. 2016-0525

Dear Mr. Garcia:

This letter acknowledges receipt of the complaint you filed against the City of Mesa and the City of Phoenix with the Federal Transit Administration (FTA). The U.S. Department of Justice forwarded your correspondence to the FTA Office of Civil Rights for appropriate action. The FTA Office of Civil Rights is responsible for ensuring that recipients of FTA funds are in compliance with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation's implementing regulations at 49 CFR Part 21.

When an individual or organization files a discrimination complaint under Title VI, our office investigates the complaint and determines the merits of the allegations. During this process, we may request additional information from you and the respondent. After the investigation has been completed, we will transmit a letter of finding to you detailing our conclusions.

Any additional correspondence related to this complaint should reference FTA No. 2016-0525 and be addressed to:

Federal Transit Administration
Office of Civil Rights (TCR-1)
Attn: Complaint Team
1200 New Jersey Avenue, SE, Room E54
Washington, DC 20590

Thank you for bringing this matter to our attention.

Sincerely,

Dawn Sweet
Program Manager,
Complaints and Communications
Office of Civil Rights

 **RECEIVED**
by
Sgarcia
11/26/16
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